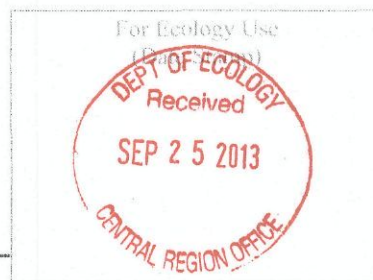




## Application for Change/Transfer of Water Right



For filing with the Department of Ecology or with County Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY**

(Check all that apply.)

- ☐ Change purpose(s) of use  
☐ Add purpose(s) of use  
☒ Change point(s) of diversion/withdrawal  
☐ Add point(s) of diversion/withdrawal  
☐ Change/transfer place of use  
☐ Other (i.e. consolidation, intertie, trust water)

Explain: YAKL-13-03

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

### FOR OFFICIAL USE ONLY

DATE APPLICATION RECEIVED 09-25-2013  
CHECK NO. 2 FEE \$ 8  
DATE ACCEPTED 10-29-2013 BY CS  
CHANGE NO. CS4-01396 5616 @  
COUNTY Yakima WRIA 38  
SPECIAL AREA Sub 16 UPR NACLOS  
54-83374-J CFO  
SEPA: ☐ EXEMPT ☐ NOT EXEMPT  
ECY CODING: 001-002-WR10285-000011  
APP NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_  
CERT NO. \_\_\_\_\_ CERT OF CHG NO. \_\_\_\_\_

☐ I have participated in a pre-application conference with Ecology.

### 1. Applicant Information

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
Daryl J. Matson, as Personal Representative of the ESTATE OF RICHARD R. MATSON	509.697.7100	
ADDRESS		
P.O. Box 307		
CITY	STATE	ZIP CODE
Selah	WA	98942
EMAIL ADDRESS (IF AVAILABLE)		

CONTACT (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Halverson Northwest c/o Lawrence E. Martin	509.248.6030	509.453.6880
ADDRESS		
405 E. Lincoln Ave		
CITY	STATE	ZIP CODE
Yakima	WA	98901
EMAIL ADDRESS (IF AVAILABLE)		
pdempsey@halversonNW.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE	PHONE NO.	FAX NO.
JOAN B. MATSON; RODERICK J. MATSON, for himself and also in his capacity as Trustee for DARYL J. MATSON and BRADLEY S. MATSON; and DARYL J. MATSON as Personal Representative of the ESTATE OF RICHARD R. MATSON	509.697.7100	
ADDRESS		
PO Box 307		
CITY	STATE	ZIP CODE
Selah	WA	98942
EMAIL ADDRESS (IF AVAILABLE)		

### 2. Water Right Information

54-83374-J CFO

CS4-01396 5616 @

YAKL-13-03

ECY 040-1-97 (Rev. 02/12)



WATER RIGHT OR CLAIM NUMBER Court Claim No. 01396	RECORDED NAME(S) Estate of Richard R. Matson
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

*Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.*

See annotated aerial photographs depicting irrigation of the Place of Use during 2005, 2009 and 2011, Exhibit "A" hereto.

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Nile Creek	1	SE	NW	33	16N	15E	151633-13001	n/a

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Naches River	1	NE	NE	33	16N	15E	151633-11003	n/a

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?
EXISTING: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO    PROPOSED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: See notes under Section 6, <i>infra</i> .

*Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.*

4. Purpose of Use:

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of 102 acres and stock water	3.37 cfs	510	04/15-10/15
Stock water	0.25 cfs	1.0	10/15-04/15

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
No change			

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
That portion of the E ¾ NW ¼ of Section 33 lying northerly of Nile Creek and southerly of the Little Bald Mountain Road, that portion of the SE ¼ NW ¼ of Section 33 lying southerly of Nile Creek, that portion of the NE ¼ of Section 33 lying southerly of Little Bald Mountain Road and westerly of the County Road (Nile); and that portion of the SW ¼ NW ¼ of Section 34 lying west of the County Road (Nile), ALL in T. 16 N., R. 15 E.W.M., Yakima County, Washington.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		33 & 34	16N	15E	Yakima	151633-13001, 151633-14001, 151633-22001, and 151634-23001	102
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME: See notes under Section 6, <i>infra</i> .							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:
No change



¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME: _____							

*Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.*

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): <u>Court Claim No. 01397</u>	

**6. Remarks and Other Relevant Information:**

The applicant and water right holder, ESTATE OF RICHARD MATSON, along with North Yakima Conservation District and the Washington Water Trust (WWT), have worked together to develop a source substitution/diversion consolidation project that moves the applicant’s point of diversion off Nile Creek to the Naches River. The applicant has agreed to permanently forbear water use from Nile Creek under a December 27, 2012 Forbearance Agreement with WWT, Exhibit “B” hereto. In order to complete the terms of the Forbearance Agreement, record the forbearance covenant, and receive payment, applicant must receive permission to permanently change the point of diversion under the subject water right.

This conservation and instream flow enhancement project serves to benefit multiple life stages of salmon and steelhead. Under the instant application (Court Claim No. 01396) and two other applications being filed herewith (Court Claim No. 01397), applicant seeks approval to permanently change the points of diversion under all three water rights to a consolidated diversion as pictured in Exhibit “C.”

The subject water right under the instant application was previously changed by Ecology under water right document number CS4-1396CTCL, Exhibit “D” hereto.

The permanent change and consolidation of diversion points requested under this application and the other two contemporaneously filed applications has already been granted by the *Acquavella* Court on a temporary basis, pursuant to its August 8, 2013, Order *Pendente Lite* (“OPL”), Exhibit “E” hereto. Said OPL is in place until such time as the permanent change has been processed. The applicant is currently utilizing the new POD for all three water rights, as provided by the OPL.

The “existing” POD, i.e., prior to temporary change approval under the OPL, is located 1,700’ south and 2,200’ east of the NW corner of Section 33, within the SE ¼ NW ¼ S. 33, T. 16 N., R. 15. E.W.M. (Parcel No. 151633-13001, which is owned by the Estate of Richard R. Matson and other immediate Matson family members).

The proposed POD is located approximately 480’ west and 525’ south of the NE corner of Section 33, within the NE ¼ NE ¼ S. 33, T. 16N, R. 15 E.W.M. (Parcel No. 151633-11003, which is owned by Nile Creek Ranch, L.L.C., of which applicant’s representative, Daryl J. Matson, is Managing Member).

The existing/proposed place of use under the subject water right comprises all or portion of Parcel Nos. 151633-13001, 151633-14001, 151633-22001 and 151634-23001, which are owned by the Estate of Richard R. Matson and other immediate Matson family members, either individually or in combination. Matson family “Land Owner” authorizations are set forth below.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.



# 7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson  
Applicant Printed Name - Title

  
Applicant Signature

9/4/13  
(Date)

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson  
Water Right Holder Printed Name

  
Water Right Holder Signature

9/4/13  
(Date)

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson

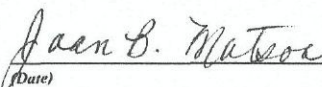
  
(Date)

9/4/13

☒ Land Owner of Existing Place of Use Printed Name  
☒ Land Owner of Proposed Place of Use Printed Name

Land Owner of Existing Place of Use Signature  
Land Owner of Proposed Place of Use Signature

JOAN B. MATSON

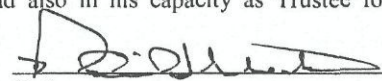
  
(Date)

9/4/13

☒ Land Owner of Existing Place of Use Printed Name  
☒ Land Owner of Proposed Place of Use Printed Name

Land Owner of Existing Place of Use Signature  
Land Owner of Proposed Place of Use Signature

RODERICK J. MATSON, for himself and also in his capacity as Trustee for DARYL J. MATSON and  
BRADLEY S. MATSON

  
(Date)

8/30/13

☒ Land Owner of Existing Place of Use Printed Name  
☒ Land Owner of Proposed Place of Use Printed Name

Land Owner of Existing Place of Use Signature  
Land Owner of Proposed Place of Use Signature

Please check the region in which the project is located:

<p>*Submit your application to:</p> <p>DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611</p>	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 - 160 <sup>th</sup> Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

<p><b>WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):</b></p> <p><input type="checkbox"/> APPLICATION FEE NOT ENCLOSED      <input type="checkbox"/> MAP NOT INCLUDED or INCOMPLETE</p> <p><input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED      <input type="checkbox"/> SECTION _____ IS INCOMPLETE</p> <p><input type="checkbox"/> OTHER/EXPLANATION: _____</p> <p>STAFF: _____ DATE: ____/____/____</p>	
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